



Linda S. Adams  
Secretary for  
Environmental Protection

**California Regional Water Quality Control Board**  
**North Coast Region**  
**Bob Anderson, Chairman**

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Arnold  
Schwarzenegger  
Governor

July 31, 2008

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In the Matter of

**Water Quality Certification**

for the

**MENDOCINO DEPARTMENT OF TRANSPORTATION**  
**EAST ROAD M.P. 2.43 CULVERT REPLACEMENT**  
**WDID NO. 1B08054WNME**

APPLICANT:	Mendocino Department of Transportation
RECEIVING WATER:	Unnamed tributary to the Russian River
HYDROLOGIC AREA:	Forsythe Creek Hydrological Sub Area No. 114.33, Russian River Hydrologic Area No. 114.00
COUNTY:	Mendocino County
FILE NAME:	MCDOT East Road M.P. 2.43 Culvert Replacement

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BY THE EXECUTIVE OFFICER:

1. On March 27, 2008, Larry Alexander, on behalf of the Mendocino Department of Transportation (Applicant), filed an application for water quality certification under section 401 of the Clean Water Act (33 U.S.C. § 1341) with the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) for activities associated with the MCDOT East Road M.P. 2.43 Culvert Replacement, located in Mendocino County. Completion of fee payment in the total amount of \$500 was made on March 27, 2008. The proposed Project causes permanent impacts to 0.006 acres of unnamed ephemeral stream within the Forsythe Creek Hydrologic Sub Unit No. 114.33, tributary to the Russian River.
2. The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on July 7, 2008, and posted information describing the Project on the Regional Water Board's website. No comments were received.
3. The proposed Project is located at M.P. 2.43 East Road, approximately 1 mile north of Redwood Valley, Mendocino County, California. The latitude and longitude is 39.16385°N and -123.12252°W. The purpose of the Project is to repair erosion caused by the Russian River in a heavy storm event and to prevent future damage. The erosion is undermining a metal beam guardrail (MBGR) and

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threatening a 30' length of road. The Project includes: Excavation of a 50'L x 8'W x 4'D trench and damaged 24" diameter corrugated metal pipe (CMP) culvert (55 cubic yards (CY)); installation of a 24" diameter x 60' long HDPE (plastic) culvert and backfilling trench with reclaimed material; resurfacing of a 30'L x 10'W area with 1' thick (11 CY) aggregate base and 0.3' thick (3 CY) AC paving; placement of 10'L x 6'W x 1.5'T (3 CY) rip-rap (energy dissipater) below outfall; lining of existing ditch to edge of bluff with 40'L x 5'W x 1'T layer of rip-rap (8 CY); and, repairing the MBGR posts. Construction will be confined to the existing footprint.

4. This Project is designed to be self mitigating as the bank stabilization will result in a reduction of erosion and sedimentation and improvements in water quality conditions in the Russian River. Additionally, a 20-30 foot wall of sediment, with the potential of collapse into the west fork of the Russian River, will no longer be undermined by down-cutting. Curtailing the down-cutting will likely prevent or forestall the failure and collapse of this sediment wall into the river. Erosion control measures will be utilized during construction to avoid impacts to the adjacent waterway and downstream habitat.
5. At a minimum, the following construction Best Management Practices (BMPs) will be incorporated into the final project plans in order to reduce and control soil erosion: work in and around waterways will be conducted during the dry season (May 15<sup>th</sup> to October 15<sup>th</sup>); installation of construction barrier fencing to preclude equipment entry into sensitive areas; installation of silt fencing or fiber rolls to prevent sediment loss from immediate work area; topsoil salvage and reapplication; and seeding and mulching. Additionally, all required BMPs shall be on-site and ready for timely deployment, before start of construction activities.
6. The Mendocino county of Transportation has determined that this Project is categorically exempt from California Environmental Quality Act (CEQA) review (Section 15301 – Existing Facilities), and filed a Notice of Exemption on March 29, 2007. Based on a review of the Project information submitted to date, Regional Water Board staff determined that this Project is categorically exempt from CEQA review (Class 1, Section 15301 – Existing Facilities) and anticipate filing a Notice of Exemption for this Project.
7. Applicant has requested a section 404 permit from the United States Army Corps of Engineers. The Corps has determined the project qualifies for authorization under Nationwide Permit 3 for Maintenance, pursuant to Section 404 of the Clean Water Act.
8. The applicant has submitted and application with the California Department of Fish and Game (CDFG) for a Notification of Lake or Streambed Alteration (1600 Agreement), on March 25, 2008.

Receiving Water: Unnamed ephemeral tributary to the Russian River  
Forsythe Creek Hydrologic Sub Area No. 114.33  
Russian River Hydrologic Area No. 114.00

Filled or Excavated Area: 0.006 acres of permanent impacts

Latitude/Longitude: 39.16385°N / -123.12252°W.

Expiration: October 15, 2011

ACCORDINGLY, BASED ON ITS INDEPENDENT REVIEW OF THE RECORD, THE REGIONAL WATER BOARD CERTIFIES THAT THE MENDOCINO DEPARTMENT OF TRANSPORTATION EAST ROAD M.P. 2.43 (Facility No. 1B08054WNME), as described in the application will comply with sections 301, 302, 303, 306 and 307 of the Clean Water Act, and with applicable provisions of state law, provided that Applicant complies with the following terms and conditions:

1. This certification action is subject to modification or revocation upon administrative or judicial review; including review and amendment pursuant to Water Code section 13330 and title 23, California Code of Regulations, section 3867.
2. This certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent certification application was filed pursuant to title 23, California Code of Regulations, section 3855, subdivision (b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. This Order is conditioned upon total payment of any fee required under chapter 28, title 23, California Code of Regulations, and owed by the Applicant.
4. This discharge is also regulated under State Water Resources Control Board Order No. 2003-0017-DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges That Have Received State Water Quality Certification" which requires compliance with all conditions of this Order (Enclosed).
5. The Russian River watershed is identified as impaired on the Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. At present, total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Order, the Regional Water Board may revise the provisions of this Order to address actions identified in such action plans.

6. Except as may be modified by any preceding conditions, all certification actions are contingent on: a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Applicant's Project description, and b) compliance with all applicable requirements of the Water Quality Control Plan for the North Coast Basin (Basin Plan).
7. The Applicant shall conduct the Project in accordance with the conditions described in the application and the findings above, and shall comply with all applicable water quality standards.
8. Any change to the operation of the Project that would have a significant or material effect on the findings, conclusions, or conditions of this Order shall be submitted to the Executive Officer of the Regional Water Board for prior review and written approval.
9. The Applicant shall provide Regional Water Board staff access to the Project site to document compliance with this Order.
10. The Applicant shall provide a copy of this Order and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. The Applicant shall be responsible for work conducted by its contractor or subcontractors.
11. If, at any time, an unauthorized discharge to surface water (including wetlands, rivers or streams) occurs, or any water quality problem arises, the associated Project activities shall cease immediately until adequate BMPs are implemented. The Regional Water Board shall be notified promptly and in no case more than 24 hours after the unauthorized discharge or water quality problem arises.
12. No debris, soil, silt, sand, bark, slash, sawdust, rubbish, cement or concrete or concrete washings, oil or petroleum products, or other organic or earthen material from any construction or associated activity of whatever nature, other than that authorized by this Order, shall be allowed to enter into or be placed where it may be washed by rainfall into waters of the State.
13. If construction dewatering is found to be necessary, the Applicant shall use a method of water disposal other than disposal to surface waters (such as land disposal) or the Applicant shall apply for permit coverage from the Regional Water Board and receive notification of coverage prior to discharge to surface waters.
14. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall be outside of waters of the United States and the State. Fueling, lubrication, maintenance, storage and staging of vehicles and equipment shall not result in a discharge or a threatened discharge to any waters of the State or the United

States. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality.

15. BMPs for erosion, sediment and turbidity control shall be implemented and in place at commencement of, during and after any ground clearing activities, construction activities, or any other Project activities that could result in erosion or sediment discharges to surface water.
16. All conditions required by this Order shall be included in the Plans and Specifications prepared by the Applicant for the Contractor. In addition, the Applicant shall require compliance with all conditions included in this Order in the bid contract for this Project.
17. All mitigation activities shall be completed as proposed in the application.
18. In the event of any violation or threatened violation of the conditions of this Order, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable state or federal law. For the purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Order. In response to a suspected violation of any condition of this Order, the Regional Water Board may require the holder of any federal permit or license subject to this Order to furnish, under penalty of perjury, any technical or monitoring reports the Regional Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Order, the Regional Water Board may add to or modify the conditions of this Order as appropriate to ensure compliance.
19. The Regional Water Board may add to or modify the conditions of this Order, as appropriate, to implement any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.
20. This Order is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the Applicant, the Applicant shall notify the successor-in-interest of the existence of this Order by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Order to discharge dredged or fill material under this Order. The request must contain the following:

- a. requesting entity's full legal name
  - b. the state of incorporation, if a corporation
  - c. address and phone number of contact person
  - d. description of any changes to the Project or confirmation that the successor-in-interest intends to implement the Project as described in this Order.
21. The authorization of this Order for any dredge and fill activities expire on October 15, 2011. Conditions and monitoring requirements outlined in this Order are not subject to the expiration date outlined above, and remain in full effect and are enforceable.

Please contact Stephen Bargsten of our staff at (707) 576-2653 if you have any questions or need to report any violation of this Order.

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Catherine Kuhlman  
Executive Officer

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Enclosure: State Water Resources Control Board Order No. 2003-0017-DWQ

Original sent to: Mr. Larry Alexander, Deputy Director of Transportation,  
340 Lake Mendocino Drive, Ukiah, CA 95482

Copies sent to: Mr. Park Steiner, Environmental Compliance Specialist,  
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Section 401 Certification and Wetlands Unit Program

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